



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,878	02/02/2004	Douglas Rowitch	030186U2	1054

23696 7590 07/28/2008
QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
----------	--------------

2617

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

07/28/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com
kascanla@qualcomm.com
nanm@qualcomm.com

Office Action Summary	Application No. 10/770,878	Applicant(s) ROWITCH ET AL.	
	Examiner ARIEL BALAOING	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 13-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 15-17 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/25/8</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 3 of the remarks, filed 04/30/2008, with respect to Claim 1 have been fully considered and are persuasive. The 35 U.S.C 103(a) rejection of Claim 1 has been withdrawn.

2. Applicant's arguments filed 04/30/2008 with respect to claim 15 have been fully considered but they are not persuasive.

With regards to the applicant's arguments that "*none of the references relates the SMS messaging to LBS application authentication. Similarly, none of the cited references relates a teleservice field within an SMS message to authentication. Furthermore, none of the cited references teaches or suggest that a particular teleservice identifier field value be associated with authentication of an LBS application. Thus, claim 15 is believed to be allowable because the combination of ANCTIL, BLOEBAUM, and KIM fail to teach or suggest every claimed feature.*" (see page 5 of the remarks).

3. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, ANCTIL shows the authentication of a location base application and receipt of a message if authenticated, BLOEBAUM shows a location based application run on a mobile device, while KIM shows providing a teleservice identifier within a short

message indicating an application received by a mobile device. Therefore, the combination of ANCTIL, BLOEBAUM, and KIM discloses the limitations set forth in Claim 15.

Allowable Subject Matter

4. Claims 1-7, 13, and 14 are allowed.
5. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is an examiner's statement of reasons for allowance/allowability: Claims 1-7, 13, 14, and 18 are allowed/allowable for the reasons set forth in the applicant's disclosure and remarks submitted 04/30/2008. Specifically, the prior art of record fails to disclose wherein a SMS message includes a teleservice identifier field within the SMS message identifying a position location engine within the mobiles station as a destination of information.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over ANCTIL et al (US 2002/0094822) in view of BLOEBAUM (US 6,535,815) and KIM (US 2003/0139175).

Regarding claim 15, ANCTIL discloses a method for authenticating an application run on a mobile station (abstract; paragraph 10), including: attempting to run Location Based Service (LBS) (paragraph 5, 36); requesting authentication of the LBS application (paragraph 5, 39, **410**-Figure 4); communicating directly with a mobile positioning center (MPC) in order to have the MPC fulfill the request for authentication of the LBS application (**248**-Figure 2; paragraph 38; Authentication Data is used to identify a location services client and authenticate proper rights for running a location based service); and if the application is authenticated, then receiving within the mobile station information (paragraph 5, 38; **485, 490**-Figure 4). However, ANCTIL does not expressly disclose running a Location Based Service application on the mobile station, and identifying a position location engine within the mobile station. In the same field of the endeavor, BLOEBAUM discloses running a Location Based Service application on a mobile station (col. 5, line 53-56). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify ANCTIL to include the teachings of BLOEBAUM, since the use of positioning means local to a mobile station is well known and conventional in the art, and allows the mobile station to provide location updates independent or in supplement to a network positioning services. However, the combination of ANCTIL and BLOEBAUM does not teach receiving within the mobile station a Short Message Service (SMS) message having a

teleservice identifier field within the SMS message set to a predetermined value. KIM teaches receiving within the mobile station a Short Message Service (SMS) message having a teleservice identifier field within the SMS message set to a predetermined value (paragraph 51-53, 58-63, 69, 86-88). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of ANCTIL and BLOEBAUM to include the use of teleservice identifiers used to identify control functions, as taught by KIM, since such a modification allows access and control of various functions using a standardized messaging format.

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of ANCTIL, BLOEBAUM, and KIM further disclose wherein receiving the SMS message comprises receiving the SMS message having the teleservice identifier field set by the MPC (ANCTIL - paragraph 51-53, 58-63, 69, 86-88; ANCTIL shows information received by the mobile terminal after authentication set by the MPC).

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of ANCTIL, BLOEBAUM, and KIM further disclose wherein receiving the SMS message comprises receiving the SMS message having the teleservice identifier field indicating the SMS message is intended for an application (ANCTIL - paragraph 51-53, 58-63, 69, 86-88; BLOEBAUM discloses information intended for an LBS application on the mobile terminal).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARIEL BALAOING whose telephone number is (571)272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

/Ariel Balaoing/
Examiner, Art Unit 2617

/A. B./
Examiner, Art Unit 2617